

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

ABDUL MAZEED ABDUL RAZACK,
Petitioner.

v.

No. 99-2362

U.S. IMMIGRATION & NATURALIZATION
SERVICE,
Respondent.

ABDUL MAZEED ABDUL RAZACK,
Petitioner.

v.

No. 00-1063

U.S. IMMIGRATION & NATURALIZATION
SERVICE,
Respondent.

On Petitions for Review of Orders of the
Board of Immigration Appeals.
(A72-370-521)

Submitted: June 27, 2000

Decided: July 12, 2000

Before MURNAGHAN, LUTTIG, and WILLIAMS,
Circuit Judges.

No. 99-2362 dismissed and No. 00-1063 affirmed by unpublished per
curiam opinion.

COUNSEL

Randall L. Johnson, JOHNSON & ASSOCIATES, Arlington, Virginia, for Petitioner. David W. Ogden, Acting Assistant Attorney General, Karen Fletcher Torstenson, Assistant Director, Cindy S. Ferrer, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

In these consolidated appeals, Abdul Mazeed Abdul Razack seeks review of the orders of the Board of Immigration Appeals ("Board"): (1) denying Razack's request for a stay of deportation (No. 99-2362); and (2) denying Razack's motion to remand as untimely (No. 00-1063).

Our review of the record discloses that the Board did not abuse its discretion in treating Razack's motion to remand as a motion to reopen. See Matter of Coelho, 20 I. & N. Dec. 464, 471 (BIA 1992). Further, we find that the Board properly denied Razack's motion as untimely. See 8 C.F.R. § 3.2(c)(2) (2000). Accordingly, we affirm in No. 00-1063 on the reasoning of the Board. See In re: Abdul Mazeed Abdul Razack, No. A72-370-521 (BIA Dec. 15, 1999).

We decline to address Razack's challenge to the Board's denial of his motion for stay of deportation because judicial review is available only as to a final order of removal. See 8 U.S.C.A. § 1252(a) (West 1999); see Gottesman v. INS, 33 F.3d 383, 386 (4th Cir. 1994). Because the denial of a motion for a stay of deportation is not a final order of removal, we dismiss No. 99-2362 for lack of jurisdiction.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 99-2362 - DISMISSED

No. 00-1063 - AFFIRMED